

## BOARD OF SELECTMEN

Minutes of the Meeting of 11 July 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Allen Reinhard, Patricia Roggeveen and Whiting Willauer. Chairman Willauer called the meeting to order at 6:00 PM.

Announcements. None.

Public Comment. Cormac Collier mentioned that the Old North Wharf expansion is a matter to be discussed at the July 13, 2007 Zoning Board of Appeals meeting and asked for interested parties to be present.

Ara Charder of Ara's Tours spoke on tour license availability and asked for the Board's consideration of assigning available licenses.

Approval of Payroll Warrants for Weeks Ending 1 July 2007 and 8 July 2007. The Board approved the payroll warrants by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for Week Ending 11 July 2007. Chairman Willauer reviewed the pending contracts. The Board approved the treasury warrant and pending contracts by unanimous consent.

### Annual Appointments to Boards, Committees and Commissions (Phase 2)

1. Appointments to Harbor Plan Implementation Committee and Cemetery Commission Workgroup. Chairman Willauer explained the voting process and welcomed any of the seven applicants for the four available at-large seats (for terms to end June 30, 2009) to the Harbor Plan Implementation Committee present to speak. Diane Coombs spoke on her behalf. On the first voting round, Mr. Kopko voted for Steve Bender, Leslie Johnson, Sarah Oktay and Carl Sjolund. Mr. Chadwick voted for Diane Coombs, Wendy McCrae, Carl Sjolund and Patricia Stolte. Mr. Reinhard voted for Leslie Johnson, Sarah Oktay, Carl Sjolund and Patricia Stolte. Ms. Roggeveen voted Diane Coombs, Leslie Johnson, Sarah Oktay and Carl Sjolund. Chairman Willauer voted for Diane Coombs, Leslie Johnson, Sarah Oktay and Carl Sjolund. So voted to appoint Sarah Oktay and Carl Sjolund to the Harbor Plan Implementation Committee.

On the second voting round, Mr. Kopko voted for Ms. Coombs and Ms. Johnson; Mr. Chadwick voted for Ms. Coombs and Ms. McCrae, Mr. Reinhard voted for Ms. Coombs and Ms. Stolte. Chairman Willauer voted for Ms. Coombs and Ms. Johnson. So voted to also appoint Ms. Coombs and Ms. Johnson to the Harbor Plan Implementation Committee.

Mr. Reinhard moved to appoint Diane Holdgate to the Cemetery Commission Workgroup for the remainder of the term vacated (through June 30, 2009) by Mr. Reinhard who is now its Selectmen representative. Mr. Kopko seconded. So voted unanimously.

Mr. Kopko moved to endorse Shellfish and Harbor Advisory Board representatives Peter Boyce, Bam LaFarge and Doug Smith to the Harbor Plan Implementation Committee. Mr. Reinhard seconded. So voted unanimously.

2. Endorsement of Abatement Advisory Committee Appointments. Mr. Reinhard moved to endorse Judith A. Moran, Joseph J. McLaughlin and H. Flint Ranney as appointed by Assessor Deborah Dilworth to the Abatement Advisory Committee for one year. Mr. Kopko seconded. So voted unanimously.

Citizen/Department Requests

1. Nantucket Community Sailing: Request for Waiver of Noise Bylaw. This item was withdrawn.

2. Chanticleer, LLC: Request for Approval of Temporary Amendment to Entertainment License. This item was withdrawn.

3. Nantucket Land Council: Request for Approval and Execution of Conservation Restriction for Premises Located at 141 Madaket Road. Nantucket Land Council Executive Director Cormac Collier spoke on the donation of fifteen acres at 141 Madaket Road to the Nantucket Land Council, describing the property under consideration and noting the review of the conservation restriction by Town Counsel. Discussion followed on current rights-of-way that will remain. Mr. Reinhard spoke about the clear public benefit of this restriction on land that abuts Land Bank property. Mr. Chadwick moved to approve the conservation restriction as it is in the public interest. Ms. Roggeveen seconded. Mr. Kopko provided thanks on the Board's behalf to donors Walter and Susan Binge who were present. On the motion, the Board voted unanimously to approve the restriction.

4. Duane P. Jones: Request for Acceptance of Grant of Bicycle and Pedestrian Easement and a Grant of Pedestrian Easement at 39 Nobadeer Farm Road in Conjunction with Planning Board Conditions. Planning Director Andrew Vorce spoke on the allowance for an interconnection of bicycle paths in the area via this grant of easement along with one the Board approved on June 27, 2007 for Rosemary Way and asked for the Board's acceptance of these easements at 39 Nobadeer Farm Road. Discussion followed on the exact location of the proposed easements. Mr. Chadwick moved to approve the grants of easement. Mr. Reinhard seconded. So voted unanimously.

5. Eldredge Surveying and Engineering, LLC: Request for Acceptance of Improvement of West Chester Street by Westmoor Farms. John DiSouza of Eldredge Surveying and Engineering provided background information for this item, which he noted was a Planning Board condition. Chairman Willauer asked for clarification on whether or not this is a gift to the Town. Mr. Vorce clarified that as West Chester Street is a public road, it is under the Selectmen's jurisdiction. He noted the Planning Board condition is to pave the road and asked the Board to accept the gift for the public infrastructure. Discussion followed on future operation and maintenance costs. Mr. Vorce noted that maintenance in the future would be less if the paving occurs slightly past Pilgrim Road to the end of Crooked Lane as is being offered. Senior Planner Leslie Woodson spoke in support of the public improvements, noting work by the Planning Department and the Department of Public Works with the engineers to effect these improvements. Chairman Willauer inquired as to the value of "hard pack" versus paving, which Mr. DiSouza answered. Discussion followed on the life cycle cost differential, which DPW Director Jeff Willett addressed. Discussion continued on

stormwater run-off. Mr. Vorce spoke on the policy regarding paving and non-paving of roads, adding that the boundary for paving is Crooked Lane. He clarified the limitation against paving applies to the country overlay district.

Ms. Roggeveen spoke in support of the Town Meeting vote and importance of safe passage for emergency vehicles. She moved to accept the offer of improvements as proposed. Mr Chadwick seconded. Frank Spriggs, Planning Board Chairman, spoke in support of the paving. Chairman Willauer noted appreciation for the hard work of the Planning Board, but referenced letters for and against. On the motion, Mr. Chadwick, Mr. Reinhard and Ms. Roggeveen voted in favor. Mr. Kopko and Chairman Willauer voted in opposition. So voted to approve the acceptance of the gift to pave West Chester Street.

#### Selectmen Goals and Initiatives

1. Update of Board of Selectmen 2007-08 Goals Process. Chairman Willauer gave an update of activity to date and noted next steps. He noted the importance of seeking unanimity among the Board members, driving goals down to departmental levels via the Town Administrator and the process moving forward.

#### Town Administrator's Report

1. Action on 2007 Year End Budget Transfers as Approved by the Finance Committee on June 28, 2007. Finance Director Connie Voges reviewed the transfers totaling \$290,936 authorized under Chapter 77 of the Acts of 2006, allowing budgetary transfers from May 1 to July 15, 2007 if approved by the Finance Committee and the Board of Selectmen. She explained budgets and deficits affecting free cash and reasons for the transfers. Mr. Kopko moved to approve the transfers as requested. Mr. Reinhard seconded. So voted unanimously.

2. Action on Determination of Uniqueness for the Town's Proposed Acquisition of the Property at 10-12 Washington Street. Mr. Chadwick reviewed the purpose of the determination required as a prerequisite to acquire this property if so voted at the Special Town Meeting, which would not bind the Town if it is not needed in the future. Discussion followed on whether this has involved or will involve a Planning Board hearing. Curtis Barnes shared his concerns about the proposed acquisition, noting that no public hearings have occurred and that further discussion is warranted. Mr. Barnes asked the Board to follow protocols. Discussion followed on related concerns of the overall strategy and the Nantucket Regional Transit Authority situation. Mr. Kopko noted that action on the determination would not bind the Town in any way and added that he agrees further information is needed. Discussion followed on input previously provided by the Town Administrator and the NRTA Administrator. Mr. Chadwick reviewed activity to date, including discussions on the usefulness of the site. Ms. Roggeveen shared reasons for the Board's responsibility in looking at this property due to local needs, including valid concerns of businesses currently affected by the NRTA buses.

Discussion followed on the Finance Committee motion related to Article 3 of the July 26, 2007 Special Town Meeting (Real Estate Acquisition: 10-12 Washington Street). Mr. Reinhard spoke in support of the opportunity for the Town to acquire these parcels in the central area of downtown.

Mr. Reinhard moved that the Board adopt the determination of uniqueness. Ms. Roggeveen seconded. Discussion followed on future considerations and the potential limitations of property. On the motion, the Board voted unanimously to approve the determination of uniqueness.

Selectmen's Reports/Comment

1. Action on Proposed Sewer Act. Chariman Willauer reviewed recent events including a meeting on July 9, 2007 with interested parties on language of the proposed Sewer Act and subsequent comments received by Town Counsel. Chairman Willauer noted that the joint legislative committee will not be traveling to Nantucket for a hearing on the proposed Act as originally planned. Mr. Kopko noted that, taken as a whole, Town Counsel has indicated support of keeping the document as is. Mr. Chadwick requested more time to review comments. Chairman Willauer and Ms. Roggeveen concurred. Mr. Kopko moved to approve Town Counsel recommendations and to send the current version to the legislature. There was no second. Mr. Chadwick requested scheduling a date to review the comments with Town Counsel. Ms. Roggeveen seconded. Discussion followed on keeping in touch with Legislative Liaison Timothy Madden on final language to be provided. Mr. Reinhard indicated that he sees no problems with Town Counsel recommendations and noted a concern about getting the document to the state legislature in this session in a timely manner so as not to lose the momentum already behind it. Ms. Roggeveen spoke on strategic concerns to put forward a stronger bill. Discussion continued on philosophical opposition to the bill, support of the article that passed at 2007 Annual Town Meeting and the plan to approve the final version tonight. Chairman Willauer spoke in support of reviewing the document again with Town Counsel. Chairman Willauer reviewed the document item by item, noting Town Counsel's comments. The Board consented to meet on Monday, July 16, 2007 at 10 AM with Town Counsel available by telephone to further review his comments.

Mr. Kopko noted his concern about processing certain matters and recommended that the Board act more quickly in its deliberations.

Mr. Reinhard thanked the DPW for its attention to recent connections of certain sewer lines along Hulbert Avenue.

Mr. Reinhard spoke on the value of addressing goals and objectives as a Board activity.

The meeting adjourned at 7:55 PM.

Approved the 5<sup>th</sup> day of September 2007.